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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 MARK E. LUCK,

NO. CIV. S-05-821 LKK/KJM

11 Plaintiff,

12 v. \_\_\_\_\_  
13

14 THE CANADA LIFE ASSURANCE  
15 COMPANY,

16 Defendant.  
\_\_\_\_\_/

17 **STATUS (PRETRIAL SCHEDULING) CONFERENCE**

18 Pursuant to court order, a Status (Pretrial Scheduling)  
19 Conference was held in Chambers on July 25, 2005. DANIEL GLASS  
20 appeared as counsel for plaintiff; ROBERT POHLS appeared as counsel  
21 for defendant. After hearing, the court makes the following  
22 findings and orders:

23 **SERVICE OF PROCESS**

24 All parties defendant have been served and no further service  
25 is permitted except with leave of court, good cause having been  
26 shown.

1        **JOINDER OF PARTIES/AMENDMENTS**

2        Except as provided, no further joinder of parties or  
3 amendments to pleadings is permitted except with leave of court,  
4 good cause having been shown. See Johnson v. Mammoth Recreations,  
5 Inc., 975 F.2d 604 (9th Cir. 1992).

6        Plaintiff is granted twenty (20) days to join additional  
7 parties.

8        **JURISDICTION/VENUE**

9        Jurisdiction is predicated upon 29 U.S.C. § 1132(e), is  
10 undisputed and is hereby found to be proper, as is venue.

11        **MOTION HEARING SCHEDULES**

12        All law and motion except as to discovery is left open, save  
13 and except that the parties are directed to bring on cross-motions  
14 for summary judgment on March 24, 2006. Hearing on the motions  
15 shall be held on April 28, 2006 at 10:00 a.m. in Courtroom No. 4,  
16 and shall be deemed a trial before the court.

17        **Opposition or statement of non-opposition to all motions shall**  
18 **be filed not later than 4:30 p.m. fourteen (14) days preceding the**  
19 **hearing date, or by proof of service by mail not less than**  
20 **seventeen (17) days preceding the hearing date.**

21        At the time of filing a motion, opposition, or reply, counsel  
22 are directed to email a copy in word processing format to the  
23 Judge's Assistant, Tim Hinkle, at [thinkle@caed.uscourts.gov](mailto:thinkle@caed.uscourts.gov).

24        **DISCOVERY**

25        No modifications of the discovery requirements found in the  
26 Federal Rules is ordered.

1 All discovery is left open, save and except that it shall be  
2 so conducted as to be completed by January 25, 2006. The word  
3 "completed" means that all discovery shall have been conducted so  
4 that all depositions have been taken and any disputes relative to  
5 discovery shall have been resolved by appropriate order if  
6 necessary and, where discovery has been ordered, the order has been  
7 complied with. Motions to compel discovery must be noticed on the  
8 magistrate judge's calendar in accordance with the local rules of  
9 this court and so that such motions will be heard not later than  
10 December 23, 2005. In this regard, all counsel are to designate  
11 in writing and file with the court and serve upon all other parties  
12 a final list of the names of all experts that they propose to  
13 tender at trial not later than sixty (60) days before the close of  
14 discovery herein established. Accompanying the designation shall  
15 be the written report specified in Fed. R. Civ. P. 26 A2B. All  
16 experts so designated are to be fully prepared to render an  
17 informed opinion at the time of designation so that they may fully  
18 participate in any deposition taken by the opposing party. Experts  
19 will not be permitted to testify at the trial as to any information  
20 gathered or evaluated, or opinion formed, after deposition taken  
21 subsequent to designation.

22 An expert witness not appearing on said lists will not be  
23 permitted to testify unless the party offering the witness  
24 demonstrates: (a) that the necessity of the witness could not have  
25 been reasonably anticipated at the time the lists were exchanged;  
26 (b) the court and opposing counsel were promptly notified upon

1 discovery of the witness; and (c) that the witness was promptly  
2 proffered for deposition.

3 **SETTLEMENT CONFERENCE**

4 At the time of filing their cross-motions for summary  
5 judgment, the parties shall request a Settlement Conference before  
6 a judge other than the trial judge.

7 IT IS SO ORDERED.

8 DATED: July 27, 2005.

9 /s/Lawrence K. Karlton

10 LAWRENCE K. KARLTON

11 SENIOR JUDGE

12 UNITED STATES DISTRICT COURT  
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